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8 Attorneys for United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12
13 UNITED STATES OF AMERICA,) CASE NO. CR 18-483 SI
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED] ORDER
16 DEREKE HOLDEN and) EXCLUDING SPEEDY TRIAL TIME FROM
JOSE SOTOMAYOR,) MARCH 8, 2019 TO MARCH 22, 2019 AND APRIL
17 Defendants.) 12, 2019
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The parties, through their counsel of record, stipulate as follows:

1. The defendants, Dereke Holden and Jose Sotomayor, represented by their attorneys Anne Kelts and Lara Kolios, respectively, and the government, represented by Ross Weingarten, appeared on March 8, 2019 for a status conference in District Court.
2. The government has provided discovery in this case and informed the Court that productive plea negotiations are ongoing. The defendants informed the court that they are continuing to review the discovery.

3. With respect to Mr. Sotomayor, his attorney Lara Kollios informed the Court that she is leaving private practice and thus Mr. Sotomayor will need new counsel. She has advised Mr. Sotomayor that he needs new counsel and he agrees. The Court set a hearing on March 22, 2019 at 11:00 a.m. On that date, Ms. Kollios will withdraw as counsel and a new counsel for Mr. Sotomayor will be appointed.
4. With respect to Mr. Holden, the parties informed the Court that they are working to reach a global resolution with this case and another case pending before Judge Davila in San Jose (*see* 18-cr-00356 EJD). The parties informed the Court that they are close to a resolution and, once one is reached, the parties will file a stipulation and order to consolidate the two cases. The Court set a hearing date on April 12, 2019 at 11:00 a.m., but stated that if the case is resolved beforehand, then this appearance will be vacated.
5. In order to allow for the effective preparation of counsel for the defendants, the parties agree that, with respect to Mr. Sotomayor, time should be excluded under the Speedy Trial Act between March 8, 2019 and March 22; and with respect to Mr. Holden, time should be excluded under the Speedy Trial Act between March 8, 2019 and April 12, 2019.

IT IS SO STIPULATED.

Dated: March 12, 2019

/s/
DAVID CALLAWAY
ALEXANDER DAVIS
ANNE KELTS
Attorneys for Defendant Dereke Holden

Dated: March 12, 2019

/s/
LARA KOLLIOS
Attorney for Defendant Jose Sotomayor

Dated: March 12, 2019

/s/
ROSS WEINGARTEN
Assistant United States Attorney

(PROPOSED) ORDER

2 Based upon the representation of counsel and for good cause shown, the Court finds that, with
3 respect to Mr. Sotomayor, failing to exclude the time between March 8, 2019 and March 22, 2019, and
4 with respect to Mr. Holden, failing to exclude the time between March 8, 2019 and April 12, 2019,
5 would deny counsel the reasonable time necessary for effective preparation, taking into account the
6 exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice
7 served by excluding the time between March 8, 2019 and March 22, 2019 in Mr. Sotomayor’s case, and
8 from March 8, 2019 to April 12, 2019 in Mr. Holden’s case, from computation under the Speedy Trial
9 Act outweigh the best interests of the public and the defendant in a speedy trial.
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11 Therefore, IT IS HEREBY ORDERED that the time between March 8, 2019 and March 22, 2019
12 for Mr. Sotomayor, and between March 8, 2019 and April 12, 2019 for Mr. Holden, shall be excluded
13 from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

16 | DATED: March , 2019

HONORABLE SUSAN ILLSTON
United States District Judge